## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	NITED STATES OF AMERICA	) 0.40CP220
	Plaintiff,	) 8:10CR239 )
	vs.	) DETENTION ORDER
SA	ALVADOR ARRIAGA,	
	Defendant.	}
A.	Order For Detention After waiving a detention hearing pursuant to on July 2, 2010, the Court orders the above-U.S.C. § 3142(e) and (i).	o 18 U.S.C. § 3142(f) of the Bail Reform Act -named defendant detained pursuant to 18
B.	conditions will reasonably assure the	n because it finds: ence that no condition or combination of e appearance of the defendant as required. at no condition or combination of conditions
C.	distribute methamphetam carries a minimum sent maximum of forty ye methamphetamine (Cour carries a maximum sent possession of a firearm b U.S.C. § 922g carries imprisonment.  (b) The offense is a crime of (c) The offense involves a na (d) The offense involves a lat  (2) The weight of the evidence aga (a) General Factors:  The defendant a may affect wheth The defendant h X The defendant h X The defendant h X The defendant of ties. Past conduct of The defendant h	and includes the following: e offense charged: y to distribute and possess with intent to hine (Count I) in violation of 21 U.S.C. § 846 tence of five years imprisonment and a hars imprisonment; the distribution of hts II-III) in violation of 21 U.S.C. § 841(a)(1) hence of twenty years imprisonment; the hy a drug user (Count IV) in violation of 18 has a maximum sentence of ten years  institute defendant is high. her the defendant including: has no family ties in the area. has no steady employment. has no substantial financial resources. Institute the community. has no substantial financial resources. Institute the community. Institute the community. Institute the community. Institute the defendant will appear. Institute the defendant will ap

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	The defendant has a prior record of failure to appear at court proceedings.  At the time of the current arrest, the defendant was on:  Probation Parole Release pending trial, sentence, appeal or completion of sentence.  Other Factors: X The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation if convicted.  X The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
	Other.
relea	nature and seriousness of the danger posed by the defendant's se are as follows: The nature of the charges in the Indictment and the ndant's criminal history.
In de on th whic	termining that the defendant should be detained, the Court also relied e following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) in the Court finds the defendant has not rebutted:  That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves:  (1) A crime of violence; or (2) An offense for which the maximum penalty is life imprisonment or death; or  X (3) A controlled substance violation which has a maximum penalty of 10 years or more; or  (4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one
_X_ (b	of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release.  That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe:  X (1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more.  U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device).

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- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: July 2, 2010. BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge